

ENTERED

July 28, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

BRIAN WILLIAM DOUD,

Plaintiff,

VS.

NATASHA MCMILLION, *et al.*,

Defendants.

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CIVIL ACTION NO. 2:19-CV-374

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

Before the Court is Magistrate Judge Julie Hampton's Memorandum and Recommendation (M&R). (D.E. 50). The M&R recommends that the Court dismiss Plaintiff's lawsuit without prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute and that his motions for class certification be denied as moot. *Id.* at 3.

Plaintiff was provided proper notice of, and the opportunity to object to, the Magistrate Judge's M&R. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b); General Order No. 2002-13. No objection has been filed. When no timely objection has been filed, the district court need only determine whether the Magistrate Judge's M&R is clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (per curiam); *Powell v. Litton Loan Servicing, LP*, No. CIV. A. H-14-2700, 2015 WL 3823141, at *1 (S.D. Tex. June 18, 2015).

Having carefully reviewed the proposed findings and conclusions of the Magistrate Judge, the record, and the applicable law, and finding that the M&R is not clearly erroneous or contrary to law, the Court **ADOPTS** the M&R in its entirety. (D.E. 50). Accordingly,

Plaintiff's lawsuit is **DISMISSED WITHOUT PREJUDICE** under Rule 41(b) for failure to prosecute and his motions for class certification (D.E. 6, D.E. 9) are **DENIED** as moot. The Clerk of Court is **ORDERED** to administratively **CLOSE** this case.

SIGNED and ORDERED this 28th day of July 2020.

A handwritten signature in black ink, appearing to read 'DSM', is written over a horizontal line.

DAVID S. MORALES
UNITED STATES DISTRICT JUDGE